

E-filed: 3/27/08

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

Petitioner,

v.

ENGLISH OAKS CONVALESCENT
REHABILITATION CENTER,

Respondent.

No. Misc-08-00002 RMW

ORDER GRANTING APPLICATION TO
ENFORCE SUBPOENA

[Re Docket No. 1]

The Equal Employment Opportunity Commission ("EEOC") applied for an order to enforce a subpoena on English Oaks Convalescent Rehabilitation Center ("English Oaks"). The motion is granted. English Oaks' objections are not well-taken and, in any event, its failure to object to the subpoena through the administrative process defined in 29 C.F.R. § 1601.16(b)(1) waived its objections to the subpoena. *See E.E.O.C. v. Lutheran Social Services*, 186 F.3d 959, 964 (D.C. Cir. 1999). The EEOC's failure to diligently pursue enforcement of the subpoena and failure to engage in the required meet-and-confer process lead the court to deny the EEOC's request for costs and attorney's fees in connection with the application to enforce the subpoena.

DATED: 3/26/08



RONALD M. WHYTE
United States District Judge

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7 Counsel are responsible for distributing copies of this document to co-counsel that have not
8 registered for e-filing under the court's CM/ECF program.

9 **Dated:** 3/27/08

TSF
Chambers of Judge Whyte